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LONG TERM DISABILITY PLAN

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**STIPULATION TO CONTINUE PRETRIAL AND HEARING DATES FOR ONE WEEK
PENDING OUTCOME OF SETTLEMENT NEGOTIATIONS**

The parties, The Life Insurance Company of North America (“LINA”), The Indus Internationala, Inc. Long Term Disability plan and The Ventyx, Inc. Long Term Disability Plan (collectively referred herein as “defendants”) and plaintiff Valerie Zgonc, by and through their counsel of record hereby stipulate and request that the Court continue the existing pretrial and hearing dates by one week’s time for good cause as follows:

On Thursday, July 31, 2008, the parties engaged in voluntary private mediation with Michael Loeb, Esq. of JAMS. The session ended with a proposal for settlement that the parties are considering. The parties have until Tuesday, August 5, 2008, to either accept or reject the proposal.

The current schedule requires plaintiff to submit her opening brief on Thursday August 7, 2008, with defendants' response due two weeks thereafter. The hearing is set for September 18, 2005. The parties wish not to incur additional fees and costs associated with briefing the matter for the Rule 52 hearing if the matter successfully resolves by the close of business on Tuesday, August 5, 2008. Therefore, to conserve litigation and judicial resources that would not be necessary if the matter settles: the parties hereby stipulate that the existing pretrial and hearing dates be continued for one week as follows:

Plaintiff's opening brief due by August 14, 2008;

Defendants' opposition due by August 28, 2008;

Plaintiff's reply due by September 4, 2008;

Defendant's sur- reply due by September 11, 2008;

Motion hearing: September 25, 2008.

SO STIPULATED:

Date: August 1, 2008

**WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER LLP**

By: /s/ Dennis J. Rhodes

Adrienne C. Publicover

Dennis J. Rhodes

Attorneys for Defendants

**THE LIFE INSURANCE COMPANY OF NORTH
AMERICA; THE INDUS INTERNATIONAL, INC.
LONG TERM DISABILITY PLAN; THE VENTYX,
INC. LONG TERM DISABILITY PLAN**

1 Date: August 1, 2008

PILLSBURY & LEVINSON, LLP

2 By: /s/ Terrence J. Coleman
3 Terrence J. Coleman
4 Brian H. Kim
5 Attorneys for Plaintiff
VALERIE ZGONC

6 **ORDER:**

7 The Parties' stipulation for an order continuing the pretrial dates for one week pending the
8 outcome of settlement negotiations came before this Court in due course. For Good Cause
9 Appearing, the request is granted. The pretrial and hearing dates are continued for one week as
10 follows:

11 Plaintiff's opening brief due by August 14, 2008;

12 Defendants' opposition **and any cross-motion** due by August 28, 2008;

13 Plaintiff's reply and **opposition to cross-motion** due by September 4, 2008;

14 Defendant's sur- reply due by September 11, 2008;

15 Motion hearing: September 25, 2008.

16 Date: August 5, 2008

By: _____

17 Honorable Claudia Wilken
18 UNITED STATES DISTRICT COURT JUDGE



CERTIFICATE OF SERVICE
Valerie Zgongc v. The Life Insurance Company of North America, et al.
USDC NDCA Case #CV07-06359 CW

I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address are 525 Market Street, 17th Floor, and San Francisco, California 94105-2725.

On this date I served the following documents (Exhibit A):

**STIPULATION TO CONTINUE PRETRIAL AND HEARING DATES FOR ONE WEEK
PENDING OUTCOME OF SETTLEMENT NEGOTIATIONS**

on the party(ies) identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

→ : **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

: **By Personal Service** -- I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the address.

: **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the addressee on the next business day.

Facsimile -- (Only where permitted. Must consult CCP §1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.CA.)

Terrence J. Coleman, Esq.

Brian H. Kim, Esq.

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Tel: (415) 433-8000

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED on August 5, 2008, at San Francisco, California.

Nancy Li